IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.488 OF 2007
IN
NOTICE OF MOTION NO.15 OF 2007
IN
SUIT NO.67 OF 1997
IN
T. PETITION NO.360 OF 1995

Shanta Tolat ..Appellant.

V/s.

Avijit Chatterjee ..Respondent.

Mr.Cyrus Ardeshir with Ms.Deepali Thakar i/b. Rustamji & Ginwala for appellant.

Mr.A.Y. Sanglikar for respondent.

CORAM : F.I.REBELLO AND
J.P.DEVADHAR, JJ.

DATED : 24TH AUGUST, 2007.

P.C. :-

Heard the parties. Without going into the controversy as to whether an appeal would lie or not, in our opinion, the following sentence " the manner in which the notice of motion has been drafted, the manner in which affidavit in support of motion has been drafted and the manner in which the matter is argued show complete lack of homework " stands expunged.

2. In so far as the costs is concerned, in our opinion, the learned Judge was right in imposing the

costs. However, we reduce the costs from Rs.25,000/- to Rs.10,000/- to be paid within 2 weeks thereafter as condition precedent.

3. Appeal disposed of accordingly.

(F.I.REBELL0, J.)

(J.P.DEVADHAR, J.)